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- (for new non-provisional applications under 37 CFR 1.53(b))

DUPLICATE

Atty. Dkt. No:

5259-03702

Inventor(s):

Freid, et al.

Title:

SYSTEM AND METHOD FOR

STABILIZING THE HUMAN SPINE WITH A BONE PLATE

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. 1.10

"Express Mail" mailing label number: EL726370206US DATE OF DEPOSIT: November 19, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Commissioner for Patents Box Patent Application Washington, DC 2023

Derrick Brown

□ Continuing Application

Continuation

of prior application No.:

09/479,458

Inventor(s)

Title:

Jim Freid, Michael E. Landry, and

Filed: January 6, 2000

Erik J. Wagner

SYSTEM AND METHOD FOR

Examiner: P. Philogene

STABILIZING THE HUMAN SPINE WITH A BONE PLATE Group/Art Unit: 3732 Assignee: Spinal Concepts, Inc.

Recorded at Reel 010732, Frame 0443

Power of Attorney in Prior Application:

Eric B. Meyertons

CONLEY, ROSE, & TAYON, P.C.

P.O. Box 398 Austin, TX 78767

#### **Application Elements**

#### 1. X Filing Fee

The filing fee is calculated as shown below.

Total Claims	64	-20=	44	x \$18.00=	\$792.00
Independent					
Claims	5	-3 =	2	x \$84.00=	\$168.00
Multiple Dependent Claims Fee:					
Basic Fee:					\$740.00
Sub-Total:					\$1700.00
Reduction by 50% for Small Entity:					\$850.00
Total:					\$850.00

A Fee Authorization Form in the amount of \$850.00 is enclosed.

The Commissioner is hereby authorized to charge any other fees which may be required or credit any overpayment to Conley, Rose, & Tayon, P.C., Deposit Account No. 501505/5259-03702/EBM.

2. Specification

Enclosed are:
Total Pages, or
1 Title Page; 23 pages of specification; 21 pages of claims (claims 1-130); 1 page Abstract.
3. Drawings
Enclosed are Formal Drawings (Figures <u>1-40</u> ) on <u>11</u> sheets.
Enclosed are Informal Drawings (Figureson sheets.
4. \( \sum \) Oath or Declaration
Newly executed
Enclosed is a copy of the Oath or Declaration from above-referenced prior application (see 37
C.F.R. § 1.63(d)) (2 pages).
5. This application is filed by fewer than all the inventors named in the prior application
Delete the following inventor(s) named in the prior non-provisional application:
The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
6. The entire disclosure of the prior application is considered to be part of the accompanying application and is
hereby incorporated by reference herein.
7. Enclosed is a Microfiche Computer Program (Appendix).
8. Enclosed is a Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary).
Computer Readable copy
Paper Copy (identical to computer copy)
Statement verifying identity of above copies
9. Assignment Papers
Copy of Assignment of the prior application.
Copy of the Notice of Recordation of Assignment of the prior application.
10. Power of Attorney
The power of attorney appears in the original papers of the prior application.
Since the power does not appear in the original papers, a copy of the power in the prior application is
enclosed.
11. Information Disclosure Statement (IDS)
Enclosed are copies of IDS Forms 1449 from the above-referenced prior application.
The Commissioner is hereby specifically requested to make the Information Disclosure Statements, as
well as any prior art of record in the prior application(s), of record in connection with this application.
12. Amendments
A preliminary amendment is enclosed (11 pages).
$\boxtimes$ Cancel in this application original claim(s) 2-130 of the prior application before calculating the filing
fee.
Amend the specification by inserting before the first line the sentence:This is a continuation of
copending application Serial No. 09/479,458 filed January 6, 2000
13. Return Receipt Postcard
14. Small Entity Status
A small entity statement is enclosed.
A small entity statement was filed in the prior non-provisional application and such status is still proper
and desired.
☐ Is no longer claimed.
15. Priority of foreign application number, filed on in is claimed under 35
U.S.C. §§ 119(a)-(d)
16. Petition under 37 C.F.R. § 136 for Extension of Time

### Address all future correspondence to:

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Respectfully Submitted,

Eric B. Meyertons Reg. No. 34,876

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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: Unknown Filed: November 19, 2001 Inventor(s): Freid, et al.	\$ Examiner: Unknown \$ Group/Art Unit: Unknown \$ Atty. Dkt. No: 5259-03702 \$ CERTIFICATE OF EXPRESS MAIL
Title: SYSTEM AND METH FOR STABILIZING T HUMAN SPINE WITH BONE PLATE	United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated
	S Derrick Brown

# **FEE AUTHORIZATION**

Commissioner for Patents Washington, D.C. 20231

The Commissioner is hereby authorized to charge the following fees to Conley, Rose & Tayon, P.C. Deposit Account Number 50-1505/5259-03702:

\$740.00 - Utility Patent Application Filing Fees; and \$480.00 - Excess Claims Fees

Total Amount: <u>\$850.00</u>

Attorney Docket No.: <u>5259-03702</u>

The Commissioner is also authorized to charge any extension fee or other fees which may be necessary to the same account number. If the above mentioned account is found to have insufficient funds, the Commissioner is authorized to charge Conley, Rose & Tayon, P.C. Deposit Account Number 50-1623/5259-03702.

Respectfully submitted,

Eric B. Meyertons Reg. No. 34,876

Attorney for Applicant

CONLEY, ROSE & TAYON, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398 (512) 703-1254 (voice) (512) 703-1250 (facsimile)

Date:	

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: § Group Art Unit: Unknown § § Freid, et al. Atty. Dkt.: 5259-03702 US. Express Mail Label No. \_EL764297890US Date of Mailing: \_\_November 20, 2001 § § I hereby certify that this correspondence is being deposited § with the U.S. Postal Service as U.S. Express Mail in an Filed: Herewith envelope addressed to: Commissioner for Patents, BOX § FILING DATE, 2900 Crystal Drive, Arlington, VA 22202-§ § Title: SYSTEM AND METHOD FOR 3513, on the date indicated below: STABILIZING THE HUMAN SPINE WITH A BONE PLATE §

## REQUEST FOR ORIGINAL EXPRESS MAIL FILING DATE

Commissioner for Patents BOX FILING DATE 2900 Crystal Drive Arlington, VA 22202-3513

Sir:

An attempt was made to send the attached document via U.S. Express Mail, Label No. EL726370206US, on November 19, 2001. However, the U.S. Postal Service refused to accept the Express Mail package. Applicants respectfully request that the original filing date of November 19, 2001 be granted in the above-identified application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Derrick Brown

Conley, Rose & Tayon P.O. Box 398 Austin, TX 78767-0398 (512) 476-1400

Date: 11-20-01